# Insurance

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**Discriminatory life insurance rates** 

# Illinois negotiates multi-million dollar settlement with Unitrin

Illinois-based Unitrin Insurance Group has agreed to a guaranteed **\$27 million national settlement** over charges of racially discriminatory rating practices in the sale of life insurance and another **\$6 million in relief for beneficiaries** who never received a death benefit to which they were entitled. Included in the settlement are Unitrin affiliate insurance companies United Insurance Company of America (IL), Union National Insurance Company (LA), and The Reliable Life Insurance Company (MO).

Director Nat Shapo served as the lead regulatory negotiator for a five-state group acting on behalf of all the members of the National Association of Insurance Commissioners. "Commissioners Gallagher (FL), Wooley (LA), Lakin (MO), and Montemayor (TX) and their staffs were essential partners in this process, which was a model of cooperation among the states," Shapo said.

The settlement has been approved by the working group as well as by the five other states (CA, GA, MS, NC, and SC) with the most written premium at year end 2000. Nearly two-thirds of the remaining 33 states with eligible policies and the District of Columbia have also joined the settlement. Unitrin represents the second such major national settlement to be concluded since the American General Life and Accident Insurance Company

case in Florida. A fairness hearing is scheduled for August 27 in the Circuit Court of Jefferson County, Alabama.

The settlement also includes \$6 million in relief for beneficiaries who never received a death benefit to which they were entitled.

The settlement affects small amount life insurance policies, commonly known as industrial life or burial insurance, which were sold at higher premiums to African Americans. Most such policies were sold prior to 1970, but race-based premiums were collected to the present day. "While we strongly disapprove of such practices, we credit Unitrin for dealing with the issue directly, for its commitment to making restitution, and for its cooperation in seeing this process through to a settlement in a reasonably timely fashion," Shapo said.

Restitution will be offered to an estimated 467,000 policyholders or beneficiaries nationwide who previously collected death benefits, surrendered their policy or were still paying premiums after 1960. The weighted average benefit increase factor per policy is about 26.7 percent. The actual dollar amount will

Unitrin (cont'd on page 2)

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#### Unitrin (cont'd from page 1)

vary by face amount, plan of insurance, issue age and, in some cases, issue year.

The agreement also imposes a **\$2.25 million regulatory requirement** on top of the settlement's restitution provisions: a fine of \$1.25 million and an additional \$1 million in benefit enhancements for policyholders. The \$1 million benefit enhancement will be shared by the approximately 59,000 current premium-paying consumers in the settlement class, and 8,500 beneficiaries of previously unpaid benefits as described below.

"The benefit enhancement was a way that all of us—the companies, the regulators, and the class counsel—could put our money where our mouths are for consumers," Shapo said in announcing the settlement on May 2. "The regulators were willing to accept a hybrid regulatory solution as opposed to just the punitive sanction of a fine; the company committed an extra \$1 million to their consumers; and the plaintiffs' attornevs waived collecting a fee for this portion of their clients' receipts." The enhancement will amount to approximately \$15 for each affected member of the settlement.

The fine would be shared by various states according to their number of policyholders included in the settlement. Illinois' share is \$24,683 based on 7,689 policies with face amounts totaling nearly \$4.5 million.

In addition to race-based premiums, the Unitrin settlement addresses the issue of unpaid death claims on multiple policies. "In the small-faced policy market, it is not unusual to sell more than one policy to the same person," Shapo said. "Unfortunately, our examinations showed that companies have frequently failed to match all the policies when the insured dies, resulting in unpaid death benefits

when claims weren't submitted on all policies." Unitrin will provide an additional benefit estimated to be \$6 million, representing the value of the previously unpaid benefits, plus statutorily required interest of 6%.

The regulatory agreement also ensures that Unitrin will conduct a diligent search to ensure that legitimate death claims are properly paid and that procedures will be established to identify multiple policies on any death claim going forward. "This problem was raceneutral, but is quite significant.- There is no more fundamental regulatory concern than the payment of a benefit on a policy for which a consumer diligently paid premiums for years," Shapo said.

(cont'd on page 3)

#### **Unitrin Settlement Outline**

Following is an outline of Settlement Relief that will be awarded to Class Members pursuant to the Stipulation of Settlement.

Policyholders who believe they may be affected by this settlement and have questions should contact the **United Insurance Settlement Administration Center toll-free at 1-877-347-4719**.

- An estimated 467,000 policies are eligible for relief under the Stipulation of Settlement.
- An estimated 249,000 policies will receive automatic relief.
- The Settlement provides guaranteed payouts amounting to \$27 million, itemized as follows:
  - At least \$12.25 million will be paid for Increased Death Benefit Relief and Cash Refund Relief for policies that are premium-paying on the Implementation Date. This relief is not capped.
  - An estimated \$4 million will be paid for future Premium Reduction Relief. This relief is not capped.
  - At least \$5.25 million will be paid for Increased Death Benefit Relief and Cash Refund Relief for in-force policies that are not premiumpaying on the Implementa-

tion Date. This relief is a floor and not capped. Any unused portion will be used to increase Death Benefits of Class Members who have in-force policies.

- At least \$5.5 million in Estates and Matured Life Policy Relief will be paid. This relief is a floor and not capped. Any unused portion will be used to increase Death Benefits of Class Members who have inforce policies.
- The settlement also provides for an additional benefit that is not guaranteed but is estimated at \$6 million for Unclaimed Benefits paid during the course of the Settlement.
- The above \$33 million total is augmented by a \$1 million Regulatory Enhancement that will be distributed by the companies to premium paying policyholders entitled to Relief and persons entitled to Unclaimed Benefit Relief under the Settlement.
- The Regulatory Settlement Agreement also provides for a Sanction Amount (fine) totaling \$1.25 million to be distributed among Participating States based on policy counts by state with a minimum payment of \$1,000.00 to any Participating State. ◆

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#### Unitrin (cont'd from page 2)

"When I contacted Unitrin two years ago, they indicated that they wanted to reach a settlement that would provide appropriate relief to policyholders. While it is most regretful that these practices persisted for so long, I appreciate the company's cooperation during this process," Shapo said.

Unitrin policyholders will be notified by mail of the settlement options available to them, including:

# For Racially-Underwritten Insurance Policies:

- Class members may choose either an increased death benefit for affected policies that are still in force or a cash refund instead of the increased death benefit; and
- Unitrin will reduce the future premiums, if any, that may become due on those policies.

#### For Beneficiaries:

• Beneficiaries or heirs of racially underwritten policies on which a death claim or endowment was paid after 1960 will receive a supplemental cash payment.

#### For Lapsed Policies:

• Persons who owned racially underwritten policies that were premium-paying after 1960 but have since lapsed or terminated are also eligible to make a claim for benefits. •

### **Department rules review**

The full text of Department rules is printed in the *Illinois Register* published weekly by the Illinois Secretary of State's Index Department, 111 E. Monroe St., Springfield, IL 62756. Subscriptions are available from that source for an annual fee of \$290. Issue numbers and a Department contact person are listed below after each rule summary.

Copies of rules are also available upon written request to the Department of Insurance at a \$1 per page charge. Some rules are posted on the Department's website at www.state.il.us/ins/RULES/laws\_regs.htm. Adopted rules are codified in Title 50 of the Illinois Administrative Code.

Rule 2008 (Minimum Standards for Individual and Group Medicare Supplement Insurance) was amended March 25, 2002. The NAIC has amended its model regulation for Medicare Supplement contracts to comply with current federal regulations by adding wording regarding time periods for guaranteed issued products when an individual's contract is being terminated. In addition, changes have been made so that if coverage is terminated, subsequent enrollment with another plan or program shall be deemed to be the initial enrollment.

At the urging of the NAIC, the Department of Insurance is amending the Illinois regulation to comply with federal standards. If these changes are not made, Illinois faces loss of certification of regulatory authority over Medicare Supplement policies. (Vol. 26, #14; Linda Fritz)

**Rule 2016** (Mastectomies) was promulgated on an emergency basis effective March 25, 2002, to avoid federal preemption of and regulatory jurisdiction over mastectomy and related coverage as

required by the federal Women's Health and Cancer Right's Act of 1998 (WHCRA) (42 USC 300gg-6, 300gg-52, incorporating 29 USC 1185(b)) in insurance contracts. (Vol. 26, #14; Denise Hamilton)

Rule 5421 (Health Maintenance Organization) was promulgated on an emergency basis effective March 25, 2002, to avoid federal preemption of and regulatory jurisdiction over mastectomy and related coverage as required by the federal Women's Health and Cancer Right's Act of 1998 (WHCRA) (42 USC 300gg-6, 300gg-52, incorporating 29 USC 1185(b)) in insurance contracts. (Vol. 26, #14; Denise Hamilton) ◆

# **Exam reports filed**

#### **Financial**

AAOMS National Insurance Company, Risk Retention Group, now known as OMS National Insurance Company, Risk Retention Group

5/09/02

BCS Life Insurance Company 5/08/02

Celtic Insurance Company 4/09/02

Fortress Insurance Company 5/09/02

PersonalCare Insurance of Illinois, Inc. 3/12/02

United Security Life Insurance Co. of IL 4/04/02

#### **Market Conduct**

Cincinnati Insurance Company

Foremost Insurance Company 2/15/02

Safeway Insurance Company 2/22/02

Ohio Casualty Insurance Company 3/12/02

Liberty Mutual Group 3/21/02

Potomac Insurance Company of Illinois 3/28/02

United American Insurance Company 4/02/02 ◆

# Receivership actions taken against two Illinois insurers

Director Nathaniel S. Shapo obtained an Order of Conservation against Legion Indemnity Company, Chicago, on April 3, 2002, and an Order of Liquidation against Western Specialty Insurance Company, Oak Brook, on May 6, 2002.

The conservation of **Legion Indemnity Company** was precipitated by Rehabilitation Orders entered in the state of Pennsylvania against two Legion affiliates, Legion Insurance Company and Villanova Insurance Company. Legion Indemnity's business operations, including its claims and policy administration functions, are closely integrated with the Pennsylvania affiliates.

Legion Indemnity is a member of a reinsurance pool through which it ceded a substantial portion of its premium writings to Legion Insurance Company. With the Rehabilitation Orders entered by Pennsylvania, the collectibility of those reinsurance proceeds is now in question, thereby potentially hindering the ability of Legion Indemnity to meet its contractual obligations.

The Director's complaint alleged that Legion Indemnity is impaired in an amount in excess of \$1 million and as such is unable to meet its minimum capital and surplus as required by Illinois statute. The Director therefore determined that conservation would be in the best interest of the company, its policyholders, creditors, and the public.

Legion Indemnity was originally incorporated in January 1987 as the Wacker-Randolph Insurance Company. The name was changed to Dearborn Insurance Company in March 1987 and changed to its current name in May 1996. Legion Indemnity is a wholly owned subsidiary of Legion Financial Corporation, which

in turn is owned by Mutual Group Ltd. of Delaware. The ultimate holding company for all of the insurance operations is Mutual Risk Management, Ltd., a Bermudian corporation.

The company is licensed only in the state of Illinois, however; it operates on a surplus lines or non-admitted basis in the District of Columbia, U.S. Virgin Islands, and 49 other jurisdictions. At December 31, 2001, the company reported direct written premium of \$89,307,000, and assumed reinsurance premium of \$11,500,000.

The Conservation Order allows the Director to conserve the assets of the company for the protection of its claimants and creditors, pending further recommendation to the supervising court. The order also contains an injunction prohibiting suits against the company outside of the conservation proceedings, as well as a moratorium upon the payment of claims and loss adjustment expenses, with the exception of discretionary payment of certain workers' compensation and accident and health claims.

The Cook County Circuit
Court granted the Liquidation Order against **Western Specialty Insurance Company** following a determination by the Department of Insurance that the company's surplus was impaired by an amount in excess of \$1 million, and at the request of the company's board of directors.

Western Specialty is a wholly owned subsidiary of Western Holdings Incorporated. The company was originally incorporated in April 1986 as Oak Brook Property and Casualty Insurance Company, a wholly owned subsidiary of First Oak Brook Corporation Syndicate, which was placed into liquidation in 1996. The current

name was adopted upon the sale of a majority interest in the company to current ownership in 1996.

The company is licensed in two states (California and Illinois) but operates on a surplus lines or non-admitted basis in seven additional states, concentrating its writings primarily in commercial multiple peril, workers compensation, other liability, and private passenger automobile coverages. At December 31, 2001, the company reported gross written premium of approximately \$7,500,000.

Any active business in the state in which the company was licensed will be canceled thirty-one (31) days from the date of the entry of the Order of Liquidation, on the policy's expiration date, or when requested by the named insured, whichever occurs first. All other active policies in any other jurisdiction were canceled upon the entry of the Order of Liquidation, which contains an injunction prohibiting suits against Western Specialty outside of the liquidation proceedings.

Receivership proceedings for both companies are being handled on behalf of the Director of Insurance by the Office of the Special Deputy Receiver, 222 Merchandise Mart Plaza, Suite 1450, Chicago, IL 60654, (312) 836-9500.◆

# Hearings

#### **Scheduled Hearings:**

IL Non Profit Risk Management Association Hearing No. 3904 Workers' Compensation Assessment 5/30/02

Full Access Medical, LLC Hearing No. 3936 Cease and Desist 6/3/02

American Health Care Providers, Inc.

Hearing No. 3957 Denial of medical claims 6/4/02

Illinois AG Service Workers Compensation Trust Hearing No. 3905 WC Assessment 6/5/02

USAA

Carl & Mary Nelson Hearing No. 3956 Cancellation 6/5/02

Residential Carpentry, Inc. Hearing No. 3922 WC Assessment 6/6/02

Risk Management Association of the Residential Construction Employers Council Hearing No. 3910 WC Assessment 6/6/02

Brothers Enterprise, Ltd. Hearing No. 3893 WC Assessment 6/10/02

McDonalds Operators Risk Management Assoc., Inc. Hearing No. 3912 WC Assessment 6/12/02

MedPlan, Inc. Hearing No. 3952 Cease and Desist 6/12/02

RxPoint Hearing No. 3953 Cease and Desist 6/12/02

Nursing Homes Risk Management Association Hearing No. 3908 WC Assessment 6/13/02 General Casualty Company of IL Paul J. Taxey Hearing No. 3960 Nonrenewal 6/18/02

Illinois Restaurant Risk Management Association Hearing No. 3913 WC Assessment 6/19/02

Workers Compensation Trust of IL Hearing No. 3906 WC Assessment 6/19/02

Associated Beer Distributors of IL Risk Management Assoc. Hearing No. 3911 WC Assessment 6/20/02

Charles J. Jones Hearing No. 3961 Suspension of Licensing Authority 6/20/02

Greenwich Insurance Company Shahab B. Taj Hearing No. 3959 Cancellation 6/25/02

State Farm Fire & Casualty Co. Tracey Franklin Hearing No. 3963 Nonrenewal 6/25/02

Chicago Midwest Meat Assoc. Hearing No. 3901 WC Assessment 6/26/02

Liberty Mutual Fire Insurance Co. Michele Peterson Hearing No. 3962 Nonrenewal 6/26/02

Illinois State Bowling Proprietor & Recreational Industry Workers Compensation Trust Hearing No. 3907 WC Assessment 7/18/02

IL Grocers Risk Management Association Hearing No. 3902 WC Assessment 7/22/02 Peoria Area Chamber of Commerce Trust Hearing No. 3903 WC Assessment 7/22/02

#### **Settled without Hearing:**

T.T.C. Illinois, Inc. Hearing No. 3867 Dismissed 1/30/02

Horace Mann Insurance Company Carlton Williams Hearing No. 3885 Dismissed 2/1/02

Safeway Insurance Company Kazimierz Skora Hearing No. 3929 Dismissed 2/25/02

United Services Automobile Assoc. Cindy R. Newman Hearing No. 3930 Dismissed 3/25/02

Hartford of the Midwest Stanley & Marcia Catterson Hearing No. 3933 Dismissed 3/27/02

Road Fabrics, Inc. Hearing No. 3898 Dismissed 4/2/02

J.R.A. Carpenter Contractors Hearing No. 3891 Dismissed 4/5/02

Atwood FPD Firefighters Pension Fund Hearing No. 3937 Dismissed 5/2/02

Washington Park Firefighters Pension Fund Hearing No. 3938 Dismissed 5/9/02

Teachers Insurance Company Larry & Carol Beger Hearing No. 3958 Dismissed 5/13/02

(cont'd on pg. 6)

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#### Hearings (cont'd from page 5)

#### Settled w/o Hearing: (cont'd)

Dolton Firefighters Pension Fund Hearing No. 3944 Dismissed 5/17/02

Dolton Police Pension Fund Hearing No. 3943 Dismissed 5/17/02

L.J. Keefe Co. Hearing No. 3896 Dismissed 5/21/02

Cary Police Pension Fund Hearing No. 3945 Dismissed 5/24/02

#### **Completed Hearings:**

Curtis J. Van Tassel Hearing No. 3845 Request for license is denied 1/9/02

Morgan Bronze Products, Inc. Hearing No. 3808 Appeal by Morgan of the decision by Fremont Compensation Insurance Group not to reclassify Morgan is denied 1/9/02

State Farm Fire & Casualty Co. Carol Wardell Hearing No. 3871 Order of 11/21/01 reaffirmed 1/10/02

State Farm Fire & Casualty Co. Tuan & Christine Do Hearing No. 3881 Cancellation effective 1/15/02

Deborah Thomas-Jupiter Hearing No. 3844 Licensing authority revoked 1/31/02

Prudential Property & Casualty Co. Ben T. Woodson Hearing No. 3884 Nonrenewal effective 2/4/02

Dental Care of America, Inc. Hearing No. 3878 Petitioners' 1999 & 2000 RBC Reports are accepted 2/11/02 James Scott Wood Hearing No. 3862 Order of revocation rescinded 3/11/02

State Farm Fire & Casualty Co. Tom & Sharon Rakestraw Hearing No. 3927 Policy renewed 3/27/02

Country Mutual Insurance Co. Patti Hornback Hearing No. 3928 Cancellation disallowed 3/28/02

David M. Schlessinger Hearing No. 3875 Petition to restore license denied 4/5/02 Horace Mann Insurance Company Gwen Sippial Hearing No. 3934 Nonrenewal effective 4/29/02

McCarty Brothers Inc. Hearing No. 3900 Assessment sustained 5/21/02

Economy Fire & Casualty Co. James Williams/Diane Erickson Hearing No. 3940 Nonrenewal effective 5/24/02◆

# **Company action**

#### **Terminations**

Credit General Insurance Co., OH, Certificate of Authority revoked 5/1/02

Great States Insurance Co., CA, Certificate of Authority revoked 4/8/02

HIH America Compensation & Liability Insurance Company, CA, Certificate of Authority revoked 4/8/02

Lawrenceville Property & Casualty Insurance Company, VA, Certificate of Authority revoked 4/1/02

Phico Insurance Company, PA, Certificate of Authority revoked 4/1/02

Pennsylvania Casualty Co., PA, Certificate of Authority revoked 4/1/02

Southern Heritage Insurance Company, GA, cancelled its Certificate of Authority 5/7/02

#### **New Companies**

Encompass Home and Auto Insurance Company, IL, 4/24/02 Encompass Independent Insurance Company, IL, 4/25/02

#### Receiverships

Legion Indemnity Company, IL, Order of Conservation entered 4/3/02

Legion Insurance Company, PA, Order of Rehabilitation granted in Commonwealth Court of Pennsylvania 4/1/02

Villanova Insurance Company, PA, Order of Rehabilitation granted in Commonwealth Court of Pennsylvania 4/1/02

Western Specialty Insurance Company, IL, Order of Liquidation entered in Circuit Court of Cook County 5/6/02

#### **Market Conduct Fines**

The following entities were issued a Stipulation and Consent Order and fined for Insurance Code violations and/or improper claims practices cited in an Illinois market conduct examination:

Liberty Mutual Group, MA, 3/21/02; \$10,000

Potomac Insurance Company of Illinois, IL, 3/29/02; \$30,000 United American Insurance

Company, TX, 4/02/02; \$15,000◆

ILLINOIS INSURANCE **June 2002** 

#### **COMPUTER DATA REQUEST FORM**



Mail To: Public Sales Coordinator **Information Systems Section** Illinois Department of Insurance 320 West Washington Street, 4th Floor Springfield, Illinois 62767-0001

The information available from the Illinois Department of Insurance, pursuant to 215 ILCS 5/408.2, is listed below. For assistance call the Public Sales Coordinator at (217) 524-0605 - TDD (217) 524-4872, or e-mail suzann\_rhodes@ins.state.il.us See also the Department's Internet Site at http://www.state.il.us/ins/ Instructions: • All sales are final. The Department does not have refund authority. • This form must be completed entirely before requests can be processed or mailed. • Payment must be received before requests can be processed or mailed.

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| Homeowner/Residential Fire Policy Counts Raw data through 1995 Raw data after 1995 Zip Code Market Share Report Company Detail Report for Chicago & East St. Lo   | ouis through 1995   | \$600 /diskette (annually only)<br>\$400 /report   |
| (new, renewal, non-renewal and cancellation by Company Detail Report for Chicago and East St. (new, renewal, non-renewal, and cancellation by   | Louis after 1995  | \$200 /report (quarterly)  |

#### ALL SALES FINAL. THE DEPARTMENT DOES NOT HAVE REFUND AUTHORITY.

# **Producer regulatory action**

(Copies of regulatory orders are available upon written request to the Producer Regulatory Unit, for \$1/page. The number of pages are indicated in parentheses following the effective date.)

#### Stipulation and Consent Order—Civil Forfeiture Paid

AA & A Insurance Agency, Inc. 10016 South Western Ave., Suite 200 Chicago, IL 60643 Effective 1/22/02 (5)

Vikram V. Naik 3205 San Juan Trail Brookfield, WI 53005 Effective 3/01/02 (3)

#### **Denial of Producer License**

Charles T. Brantley 2002 East Slater Ave. PO Box 815 Hinckley, IL 60520-0815 Effective 3/02/02 (5)

Rodney D. Johnson 609 North 11th St. Rochelle, IL 61068 Effective 3/02/02 (4)

E. Wayne Taylor 7 West Augusta Blvd., Apt. 2 Oak Park, IL 60302 Effective 2/27/02 (4)

#### **Revocation of Producer License**

Julie A. Carasone 206 Fourth Street Colonial Beach, VA 22443 Effective 4/13/02 (2)

Wayne Dunning 366 West Prairie Avenue Decatur, IL 62522 Effective 3/25/02 (7)

Christina D. Schuerr 5950 Hyde Park Road Ravenel, SC 29470 Effective 3/31/02 (2)

# **Voluntary Revocation** of **Producer License**

Jeffrey N. Yemm 336 West Jackson Virden, IL 62690 Effective 2/25/02 (1)

#### **Revocation Rescinded**

James Scott Wood 1557 Kirkwood Drive Geneva, IL 60134 Effective 3/11/02 (12)

#### **Suspension of Producer License**

Rita J. Augustus 9715 South LaSalle Chicago, IL 60628 Effective 2/27/02 (2)

Jimmy D. Dobson 8760 South Burley Ave., 1A Chicago, IL 60617 Effective 4/15/02 (2)

Michael A. Isabelle 18903 Jonathon Lane Homewood, IL 60430-4209 Effective 4/13/02 (2)

Marvin L. Jernigan 609 Linden Avenue Bellwood, IL 60104-1856 Effective 4/13/02 (2)

Vincent D. Lewis 1195 Old Highway 61 Cleveland, MS 38732-9735 Effective 4/13/02 (2)

Darrell A. Wilson 7757 South Halsted St., Floor 2 Chicago, IL 60620 Effective 4/13/02 (2)

Illinois Department of Insurance 320 West Washington Street Springfield, Illinois 62767

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